IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 22613 of 2004

Between:

Kakani Venkateswarao S/o.Umamaheswarao
R/o.Bapulapadu Village Bapulapadu Mandal, Krishna District.

..... PETITIONER

AND

1 The Station House Officer Pedepadu Police Station
Pedapadu, W.G.District.
2 The Epuru Gram Panchayat Officer Rep. by its Secretary, Epuru

Village, Pedapadu Mandal, W.G.District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or orders or direction more particularly one in the nature of writ of mandamus declaring the action of the respondent No.1 interfering with the petitioners right of running Sri Abhaya Anjaneya Cattle Shandy in an extent of AC 0.99cents in S.No.244 of Epuru Village, Pedapadu Mandal, W.G.District as illegal arbitrary and violative of Article 19 of constitution of India and consequently direct the respondent No.1 not to interfere with the petitioners right of running the said cattle shandy and pass such other order or orders.

Counsel for the Petitioner:MR.A.CHANDRAIH NAIDU

Counsel for the Respondent No.1: GP FOR HOME

The Court at the stage of admission made the following ORDER:

Petitioner claims that the respondents are interfering with the running of a cattle shandy by him in an extent of Ac.0.99 cents in survey No.244 of Epuru village, Pedapadu mandal, West Godavari district. The petitioner has referred to certain disputes in relation to the running of the shandy as well as the alleged instances of interference by the police.

The first respondent filed a counter-affidavit. It is stated that on an earlier occasion, Crime No.158 of 2004 under Sections 448,323 and 506 I.P.C. and Crime No.159 of 2004 under sections 147,148,324 and 325 I.P.C. were registered. Reference is also made to the proceedings under Sections 107 and 145 Cr.P.C. issued by the respective executive Magistrates. It is ultimately stated that the police is not at all interfering with the holding of the shandy.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The allegation of the petitioner is that respondents 1 and 2 are interfering with the running of the shandy. The first respondent has narrated the nature of disputes that are prevailing in relation to running of the shandy. From the record, it is evident that no action has been taken against anyone, except by registering case and initiating proceedings. In that view of the matter, it cannot be said that the respondents are interfering with the running of the shandy. At any rate, they have categorically stated before this Court to that effect and the said undertaking is recorded.

Hence, the writ petition is disposed of directing that the respondents shall not interfere with the running of the shandy by the petitioner, except by initiating necessary proceedings. No order as to costs.

15.12.2004

Note:

Issue CC in three days.

(BO)

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To

1 The Station House Officer Pedepadu Police Station
Pedapadu, W.G.District.
2 The Epuru Gram Panchayat Officer Rep. by its Secretary, Epuru

Village, Pedapadu Mandal, W.G.District.

3 Two CCs. to the G.P. for Home, High Court of A.P.,

Hyderabad(OUT).

4 Two CD copies.